

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

DAVID MIDDENDORF, et al.,

Defendants.

Case No. 18 Cr. 36 (JPO)

**DEFENDANTS DAVID MIDDENDORF, THOMAS WHITTLE, AND
DAVID BRITT'S NOTICE OF MOTION TO DISMISS THE INDICTMENT**

PLEASE TAKE NOTICE that, upon the accompanying Joint Memorandum of Law and two Supplemental Memoranda of Law, the undersigned will move this Court before the Honorable J. Paul Oetken, United States District Judge, in Courtroom 706 of the United States District Court, 40 Foley Square, New York, New York 10007, on May 31, 2018, at 3:00 PM, for an order dismissing the Indictment under Federal Rules of Criminal Procedure 12(b)(1) and (b)(3)(B)(v). Pursuant to this Court's order, answering papers by the Government, if any, shall be filed on or before May 11, 2018, and reply papers by Defendants, if any, shall be filed on or before May 25, 2018.

Dated: April 13, 2018
New York, New York

/s/* Nelson A. Boxer

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*Signed with the consent of counsel